



Written Testimony

In Support of

HB 6387, AAC Court Operations

SB 870, AAC Victim Compensation

SB 871, AAC Revisions to Various Statutes Concerning the Criminal Justice System

Judiciary Committee

March 4, 2013

912 Silas Deane Highway
Lower Level
Wethersfield, CT 06109

(860) 282-7899
(860) 282-7892 Fax
(800) 281-1481 (CT only)

Member Agencies

Center for Domestic Violence Services
at BHcare
Ansonia, CT

The Center for Women & Families
Bridgeport, CT

Women's Center
Danbury, CT

Domestic Violence Program
United Services
Dayville, CT

Network Against Domestic Abuse
Enfield, CT

Domestic Abuse Services
Greenwich YWCA
Greenwich, CT

Interval House
Hartford, CT

Meriden-Wallingford Chrysalis
Meriden, CT

New Horizons
Middletown, CT

Prudence Crandall Center
New Britain, CT

Center for Domestic Violence Services
at BHcare
New Haven, CT

Safe Futures
New London, CT

Domestic Violence Crisis Center
Norwalk, CT

Women's Support Services
Sharon, CT

Domestic Violence Crisis Center
Stamford, CT

Susan B. Anthony Project
Torrington, CT

Safe Haven
Waterbury, CT

Domestic Violence Program
United Services
Willimantic, CT

Good morning Senator Coleman, Representative Fox and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those agencies that serve them. Our members provide essential services to victims such as 24-hour crisis response, emergency shelter, safety planning, counseling, support groups, and court advocacy.

CCADV supports the following:

HB 6387

Section 2 of House Bill 6387 addresses a serious gap in safety that currently exists for victims of domestic violence seeking restraining orders during periods of inclement weather and other incidents that may unexpectedly result in the closer of a courthouse.

Connecticut General Statutes § 46b-15 currently allows judges to issue ex-parte orders that allow for the immediate protection of victims seeking restraining orders while they wait for the date of the full restraining order hearing, which is typically scheduled two weeks after completing the application. The ex-parte order is issued at the time of application for the restraining order and automatically expires on the date of the full hearing. Unfortunately, as the statute is currently written, when a court is closed unexpectedly on the scheduled date for a restraining order hearing (for instance, due to a snow storm), the ex-parte order expires. The statute does not allow for the order to be continued and the hearing to be held the next business day court is open. In fact, in most cases, the victim must start the restraining order application process all over again.

While the procedure varies by court and judge with some judges opting to hear the case on the next business day if both the applicant and respondent appear in court, it is not common practice. This creates a considerable gap in protection for the victim and places a huge burden on them to start the application process over. This also typically requires that the victim takes additional time off from work to reapply and, if granted the ex-parte order, find a marshal to serve the respondent. It is also a drain on court personnel resources and time to repeat the procedure.

Section 2 of the bill adds language requiring that when an ex-parte order is granted and the court is closed on the scheduled hearing date for the restraining order, the hearing must be held on the next day that the court is open. Furthermore, the ex parte order would remain in effect until the date of such hearing. This is a commonsense fix, especially in a New England state that often faces inclement weather during the winter months, that will help keep victims safe and reduce the burdens sometimes placed on them by the judicial system.

Section 4 also adds protection for children involved in divorce cases who face an immediate and present risk of physical danger or psychological harm. This might include children whose parents are involved in intimate partner violence where a

parent feels that the child is at risk of either physical danger by the abusive parent or psychological harm from witnessing violence in the home. This bill proposes that judges be able to issue an emergency ex-parte order of custody in such a situation that allows for temporary custody and may prevent the respondent from, among other things, taking the child from the state, interfering with the applicant's custody or interfering with the child's educational program.

Over 15 million children are exposed to domestic violence in the U.S. each year. Children who witness intimate partner violence within their family face a greater risk of developing severe and potentially lifelong problems with physical health, mental health, and school and peer relationships, as well as disruptive behavior. They are also more susceptible to becoming either victims or perpetrators of domestic violence as adults.

According to the National Task Force on Children Exposed to Violence, witnessing domestic violence can destroy a child's core sense of security and trust and create deep feelings of helplessness, guilt and shame when they cannot make the violence stop or protect the non-offending parent. It alters their view of intimate relationships leading to a lifetime avoidance of such relationships, which impacts not only to the child, but also to the child's extended family and future generations.

This language will help keep children safe and ensure that, in cases involving domestic violence, the non-abusing parent can immediately eliminate their child's exposure to domestic violence in the home.

SB 870

Section 15 of Senate Bill 870 makes a change to C.G.S. § 54-216, which governs victim compensation offered through the Office of Victim Services (OVS). This clarifies language passed last year in Public Act 12-114 regarding victim compensation for children who witness domestic violence, even if they are not related to the victim. This bill specifies that the compensation is available to those children who witness a homicide resulting from domestic violence, even if they are not related to the victim. This language ensures that OVS will be able to meet the needs of those children who experience the devastating trauma of witnessing domestic violence homicide.

SB 871

Section 8 of Senate Bill 871 simply updates C.G.S. § 53a-182b regarding first degree harassment. Cyber stalking is a common element of control used in the course of domestic violence. By eliminating use of the term "telephone call" and instead using "communication," the statute is strengthened by recognizing that technology has dramatically altered the ways in which people can be harassed, including by text message and email.

Please do not hesitate to contact me with any questions.

Liza Andrews
Communications & Public Policy Specialist
(860) 282-7899
landrews@ctcadv.org